



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,875	06/30/2000	Stephen J. Tolopka	042390.P6656	9982

7590

03/18/2003

Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard Seventh Floor
Los Angeles, CA 90025

EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT

PAPER NUMBER

2122

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,875

Applicant(s)

TOLOPKA, STEPHEN J.

Examiner

Hoang-Vu A Nguyen-Ba

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

DETAILED ACTION

1. This action is responsive to the application filed June 30, 2000.
2. Claims 1-20 have been examined.

Claim Objections

3. Claims 1 and 14 are objected to because of the following informalities:
 - a. Claim 1: the conjunction – and – should be added at the end of the step (line 3) preceding the last step of the claim.
 - b. Claim 14:
 - i. the sentence at line 8 lacks a verb between “unique identifier to” and “a mapping table”. The verb – obtain – is suggested.
 - ii. the grammatical structure of the sentence at line 9 is not consistent with that of the preceding limitations, i.e., “identifying..., obtaining..., using...”

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 4, 7, 16, 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 7 and 18 recite the limitation "the device" at line 5 (claim 1), line 6 (claim 7) and line 2 (claim 18), respectively. There is insufficient antecedent basis for this limitation in the claim.

Claims 4 and 17 recite the limitation "the program instructions" at line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the driver" at line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5, 7-11, 13-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,243,774 B1 to Eide et al. ("Eide").

Claims 1, 7 and 14

Eide discloses at least:

identifying a device type by a unique identifier (see at least Figure 2, items 40, 42; Figure 5; and related discussion in the specification);

obtaining the unique identifier (see at least Figure 2, items 40, 42; Figure 5; and related discussion in the specification); *and*

using the unique identifier to obtain an address of a driver for the device (see at least Figure 2, items 40, 44; Figure 5; and related discussion in the specification).

Claims 2, 8 and 15

Eide further discloses that *wherein program instructions obtain the unique identifier* (see at least 7:58 – 8:30).

Claims 3, 9 and 16

Eide further discloses *wherein the driver is obtained from a storage device* (see at least 8:56 - 9:52).

Claims 4, 10 and 17

Eide further discloses *wherein the program instructions are used in conjunction with a mapping table to obtain a driver address* (see at least Figure 2, item 40, i.e., resource data structure, and related discussion in the specification).

Claims 5, 11 and 18

Eide further discloses *wherein the mapping table address is obtained from the device* (see at least 8:56 - 9:52).

Claims 13 and 20

Eide further discloses that the *unique identifier is represented by one of a manufacturer, a device class, a model number and a subnumber* (see at least 8:56 - 9:52).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Internet Engineering Task Force ("Task Force"), Simple Service Discovery Protocol/1.0, Operating without an Arbiter, October 29, 1999.

Claims 6, 12 and 19

Eide does not specifically disclose *wherein the mapping table address is obtained by using a service discovery protocol*. However, Task Force discloses a mechanism to allow HTTP clients and Http resources to discover each other in local area network (see at least 2.1 Problem Statement) so that any clients who come on-line after the service came on-line will discover the desired service by sending out a discovery request, thereby making the mechanism more efficient (see at least 2.3.1.3).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the Simple Service Discovery Protocol in

combination with Eide because the feature would make Eide's concurrent maintenance operations more efficient.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Hoang-Vu A Nguyen-Ba whose telephone number is (703) 305-0103. The examiner can normally be reached on Monday-Thursday from 6:30 a.m. – 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (703) 308-4789.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

After Final Fax Number	(703) 746-7238
Official Fax Number	(703) 746-7239
Customer Service Center Fax Number	(703) 746-7240
Examiner's Assigned Fax Number	(703) 746-5426



Hoang-Vu "Antony" Nguyen-Ba

March 4, 2003